

DFW



PATENT
Customer No. 22,852
Attorney Docket No. 02860.0769

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Toshiya KONDO <i>et al.</i>)	Group Art Unit: 1752
)	
Application No.: 10/769,782)	
)	Examiner: G. Letscher
Filed: February 3, 2004)	
)	
For: SILVER HALIDE EMULSION,)	Confirmation No. 9290
PREPARATION METHOD)	
THEREOF AND SILVER HALIDE)	
PHOTOGRAPHIC MATERIAL)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed May 19, 2005, Applicants submit the following remarks. Because June 19, 2005, falls on a Sunday, the shortened statutory period for response runs to Monday, June 20, 2005. This response is timely filed.

The Office Action imposes a restriction requirement. According to the Examiner, claims 1-20 are generic to a plurality of disclosed patentably distinct species comprising a silver halide emulsion and corresponding method of preparation thereof, characterized in that the silver halide grains are subjected to selenium sensitization in the presence of at least one compound selected from the group consisting of a compound represented by formula (1), (2), or (3). Office Action, page 2. Applicants are required to elect a single disclosed species, i.e., a compound represented by formula (1), (2), or (3). *Id.*


Applicants respectfully traverse the Office's election requirement. To be fully responsive, however, Applicants elect "compound 1-21," which is a compound of formula (1), and is set forth on page 33 of the specification. Upon finding the claims drawn to the elected species free of the prior art, Applicants respectfully request that the Office extend its search to encompass the generic claim.

Please grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 13, 2005

By: 

David W. Hill
Reg. No. 28,220
571.203.2700